

## 6.2: EXTRAORDINARY ELECTION – FREDERICKSTOWN WARD AMENDMENT

**Attachments** : Nil  
**Responsible Officer** : Chief Executive Officer (Faileen James)

### RECOMMENDATION

#### ITEM 6.2: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

##### THAT Council:

1. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of all elections until the end of 2012.
2. **DECIDE**, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the elections will be postal.
3. **REQUEST**, in accordance with section 4.9(2) of the *Local Government Act 1995*, the Electoral Commissioner hold an extraordinary election for the Frederickstown Ward on Friday 24 February 2012.

### BACKGROUND

1. As a result of a serving member of Council being elected as the popularly elected Mayor, there is a requirement for the City to conduct an extraordinary election for the Frederickstown Ward.

### DISCUSSION

2. After discussion with the Electoral Commissioner and having obtained the written agreement of the Commissioner, to ensure compliance with legislation the election date requires to be postponed by one day to Friday 24 February 2012.
3. Declaring the Electoral Commissioner to be responsible for the conduct of all elections until the end of 2012 is appropriate to ensure that Council does not need to go through this process again should a further vacancy arise this year.

CEO:

**GOVERNMENT CONSULTATION**

4. Consultation has been conducted with Western Australian Electoral Commission, and the appropriate processes have been reconfirmed.

**PUBLIC CONSULTATION / ENGAGEMENT**

5. There is no requirement to conduct public consultation for this item.

**STATUTORY IMPLICATIONS**

6. Section 4.61 of the *Local Government Act 1995*, states in part as follows:

***“4.61 Choice of methods of conducting the election***

*(1) The election can be conducted as a –*

***“Postal election”*** which is an election at which the principal method of casting votes is by posting or delivering them to an electoral officer on or before the election day, or

***“voting in personal election”*** which is an election at which the principal method of casting votes is by voting in person on election day, or posted and delivered, in accordance with regulations.

*(2) The local government may decide\* to conduct the election as a postal election.*

***\*Absolute majority required***

7. Section 4.20 (4) of the Act states as follows:

*(3) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

***\*Absolute majority required***

8. There is no option under the *Local Government Act 1995* to have the vacancy remain unfilled.

## STRATEGIC IMPLICATIONS

9. Filling of all vacant ward seats links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

### Key Focus Areas

- **Organisation Performance:** Local Government standards must be ethical, transparent and include democratic decision making.
- **Community Focussed Organisation**  
Ensure representation of all ratepayers on Council

## POLICY IMPLICATIONS

10. Nil.

## RISK IDENTIFICATION & MITIGATION

11. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support appointing the WAEC to conduct the election.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>The Extraordinary Election would be run by City of Albany staff.</i>
<i>Council does not support the proposed extraordinary election date.</i>	<i>Unlikely</i>	<i>Low</i>	<i>Low</i>	<i>The date will be set by the Western Australian Electoral Commissioner at a time not of Council's choosing.</i>

## FINANCIAL IMPLICATIONS

12. The cost for the WAEC to conduct the election will be based on the following assumptions;
- 3,634 electors
  - Response rate of approximately 47%
  - Count to be conducted in Albany
13. An accurate cost at this time is not know but could be as much as \$15,000.
14. Costs not incorporated in the estimate include (approx \$2 000);
- Non statutory (i.e. additional advertising in community newspapers and promotional advertising
  - One local government staff member to work in the polling place on Election Day
15. The cost of running the extraordinary election has not been budgeted for, but can be accommodated within the Q2 review.

## LEGAL IMPLICATIONS

16. There are no legal implications related to this item except for compliance with specific provisions of the *Local Government Act 1995*.

6/12/2011

\*\*REFER DISCLAIMER\*\*

**ALTERNATE OPTIONS**

17. Council can choose to set the proposed date, and have the City of Albany conduct the extraordinary election.

<b>Consulted References</b>	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	All Wards
<b>Previous Reference</b>	OCM 15/11/2011 Item 1.8 OCM 11/10/2011 Item 1.8